

By the Committee on General Government Appropriations; and
Senator Baker

601-03905-09

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1 A bill to be entitled
2 An act implementing the 2009-2010 General
3 Appropriations Act; providing legislative intent;
4 authorizing the Executive Office of the Governor to
5 transfer funds between departments for purposes of
6 aligning amounts paid for risk management premiums and
7 for purposes of aligning amounts paid for human
8 resource management services; authorizing certain
9 moneys to be appropriated to offset reductions in ad
10 valorem tax revenue experienced by fiscally
11 constrained counties occurring as a direct result of
12 the implementation of revisions of Art. VII of the
13 State Constitution approved in the special election
14 held on January 29, 2008; amending s. 218.12, F.S.;
15 requiring that the value of assessments reduced
16 pursuant to s. 4(d)(8)a. of Art. VII of the State
17 Constitution include only the reduction in taxable
18 value for homesteads established in the preceding
19 year; amending s. 253.01, F.S.; delaying the
20 expiration of provisions relating to grants and aids
21 from the Internal Improvement Trust Fund for the
22 drinking water facility construction state revolving
23 loan program and the clean water state revolving loan
24 program; reenacting s. 255.518(1)(b), F.S., relating
25 to the payment of obligations during the construction
26 of a facility financed by such obligations; repealing
27 s. 27 of chapter 2008-153, Laws of Florida; abrogating
28 the future repeal of an amendment made by that chapter
29 to s. 255.518(1)(b), F.S., and abrogating the revision

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30 of the text of that paragraph to that in existence on
31 June 30, 2008, with specified exceptions; amending s.
32 255.503, F.S.; delaying the expiration of provisions
33 relating to the Florida Facilities Pool; amending s.
34 373.59, F.S.; providing for the allocation of moneys
35 from the Water Management Lands Trust Fund for certain
36 purposes; providing an expiration date; amending s.
37 376.3071, F.S.; delaying the repeal of provisions
38 relating to funding from the Inland Protection Trust
39 Fund for site restoration; amending s. 403.1651, F.S.;
40 providing that funds from the Ecosystem Management and
41 Restoration Trust Fund be used for the purpose of
42 funding activities to preserve and repair the state's
43 beaches; providing for reversion of statutory text of
44 certain provisions; amending s. 570.20, F.S.; delaying
45 the expiration of provisions authorizing the
46 Department of Agriculture and Consumer Services to use
47 funds from the General Inspection Trust Fund for
48 certain programs; providing for the effect of a veto
49 of one or more specific appropriations or proviso
50 provisions to which implementing language refers;
51 providing for the continued operation of certain
52 provisions notwithstanding a future repeal or
53 expiration provided by the act; providing for
54 severability; providing effective dates.

55
56 Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. It is the intent of the Legislature that the

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59 implementing and administering provisions of this act apply to
60 the General Appropriations Act for the 2009-2010 fiscal year.

61 Section 2. In order to implement the appropriation of funds
62 in Special Categories-Risk Management Insurance of the 2009-2010
63 General Appropriations Act, and pursuant to the notice, review,
64 and objection procedures of s. 216.177, Florida Statutes, the
65 Executive Office of the Governor is authorized to transfer funds
66 appropriated in the appropriation category "Special Categories-
67 Risk Management Insurance" of the 2009-2010 General
68 Appropriations Act between departments in order to align the
69 budget authority granted with the premiums paid by each
70 department for risk management insurance. This section expires
71 July 1, 2010.

72 Section 3. In order to implement the appropriation of funds
73 in Special Categories-Transfer to Department of Management
74 Services-Human Resources Services Purchased Per Statewide
75 Contract of the 2009-2010 General Appropriations Act, and
76 pursuant to the notice, review, and objection procedures of s.
77 216.177, Florida Statutes, the Executive Office of the Governor
78 is authorized to transfer funds appropriated in the
79 appropriation category "Special Categories-Transfer to
80 Department of Management Services-Human Resources Services
81 Purchased Per Statewide Contract" of the 2009-2010 General
82 Appropriations Act between departments in order to align the
83 budget authority granted with the assessments that must be paid
84 by each agency to the Department of Management Services for
85 human resource management services. This section expires July 1,
86 2010.

87 Section 4. In order to implement section 44 of the 2009-

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88 2010 General Appropriations Act and notwithstanding the
89 provisions of section 16 of chapter 2008-173, Laws of Florida,
90 the moneys provided in section 44 are appropriated to offset the
91 reductions in ad valorem tax revenues experienced by fiscally
92 constrained counties, as defined in s. 218.67(1), Florida
93 Statutes, which occur as a direct result of the implementation
94 of revisions to Article VII of the State Constitution approved
95 in the special election held on January 29, 2008. The moneys
96 appropriated for this purpose shall be distributed by October 1,
97 2009, among the fiscally constrained counties based on each
98 county's proportion of the total reduction in ad valorem tax
99 revenue resulting from the implementation of the revision.
100 Distributions shall be based on the documentation required to be
101 submitted to the Department of Revenue by November 1, 2008,
102 pursuant to s. 218.12, Florida Statutes.

103 Section 5. In order to implement Specific Appropriation
104 2971, section 218.12, Florida Statutes, is amended to read:

105 218.12 Appropriations to offset reductions in ad valorem
106 tax revenue in fiscally constrained counties.—

107 (1) Beginning in fiscal year 2008-2009, the Legislature
108 shall appropriate moneys to offset the reductions in ad valorem
109 tax revenue experienced by fiscally constrained counties, as
110 defined in s. 218.67(1), which occur as a direct result of the
111 implementation of revisions of Art. VII of the State
112 Constitution approved in the special election held on January
113 29, 2008. The moneys appropriated for this purpose shall be
114 distributed in January of each fiscal year among the fiscally
115 constrained counties based on each county's proportion of the
116 total reduction in ad valorem tax revenue resulting from the

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117 implementation of the revision.

118 (2) On or before November 15 of each year, beginning in
119 2008, each fiscally constrained county shall apply to the
120 Department of Revenue to participate in the distribution of the
121 appropriation and provide documentation supporting the county's
122 estimated reduction in ad valorem tax revenue in the form and
123 manner prescribed by the Department of Revenue. The
124 documentation must include an estimate of the reduction in
125 taxable value directly attributable to revisions of Art. VII of
126 the State Constitution for all county taxing jurisdictions
127 within the county and shall be prepared by the property
128 appraiser in each fiscally constrained county. The documentation
129 must also include the county millage rates applicable in all
130 such jurisdictions for both the current year and the prior year;
131 rolled-back rates, determined as provided in s. 200.065, for
132 each county taxing jurisdiction; and maximum millage rates that
133 could have been levied by majority vote pursuant to s. 200.185.
134 For purposes of this section, each fiscally constrained county's
135 reduction in ad valorem tax revenue shall be calculated as 95
136 percent of the estimated reduction in taxable value times the
137 lesser of the 2007 applicable millage rate or the applicable
138 millage rate for each county taxing jurisdiction in the prior
139 year.

140 (3) In determining the reductions in ad valorem tax
141 revenues occurring as a result of the implementation of the
142 revisions to Art. VII of the State Constitution approved in the
143 special election held on January 29, 2008, the value of
144 assessments reduced pursuant to s. 4(d)(8)a., Art. VII of the
145 State Constitution shall include only the reduction in taxable

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146 value for homesteads established in the preceding calendar year.

147 Section 6. In order to implement Specific Appropriation
148 1717 of the 2009-2010 General Appropriations Act, subsection (3)
149 of section 253.01, Florida Statutes, is amended to read:

150 253.01 Internal Improvement Trust Fund established.—

151 (3) In addition to the uses allowed in subsection (2) for
152 the 2009-2010 ~~2008-2009~~ fiscal year, moneys in the Internal
153 Improvement Trust Fund are authorized for grants and aids to
154 local governments, as provided in the General Appropriations
155 Act, for the drinking water facility construction state
156 revolving loan program described in s. 403.8532 and the clean
157 water state revolving loan program described in s. 403.1835, ~~as~~
158 ~~provided in the General Appropriations Act.~~ This subsection
159 expires July 1, 2010 ~~2009~~.

160 Section 7. In order to implement Specific Appropriation
161 2741 of the 2009-2010 General Appropriations Act, paragraph (b)
162 of subsection (1) of section 255.518, Florida Statutes, is
163 reenacted to read:

164 255.518 Obligations; purpose, terms, approval,
165 limitations.—

166 (1)

167 (b) Payment of debt service charges on obligations during
168 the construction of any facility financed by such obligations
169 shall be made from funds other than proceeds of obligations.

170 Section 8. Section 27 of chapter 2008-153, Laws of Florida,
171 is repealed.

172 Section 9. In order to implement Specific Appropriations
173 2725 through 2738 of the 2009-2010 General Appropriations Act,
174 subsection (7) of section 255.503, Florida Statutes, is amended

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175 to read:

176 255.503 Powers of the Department of Management Services.—

177 The Department of Management Services shall have all the
178 authority necessary to carry out and effectuate the purposes and
179 provisions of this act, including, but not limited to, the
180 authority to:

181 (7) (a) Sell, lease, release, or otherwise dispose of
182 facilities in the pool in accordance with applicable law.

183 (b) No later than the date upon which the department
184 recommends to the Division of State Lands of the Department of
185 Environmental Protection the disposition of any facility within
186 the Florida Facilities Pool, the department shall provide to the
187 President of the Senate, the Speaker of the House of
188 Representatives, the Executive Office of the Governor, and the
189 Division of Bond Finance of the State Board of Administration an
190 analysis that includes:

191 1. The cost benefit of the proposed facility disposition,
192 including the facility's current operating expenses, condition,
193 and market value, and viable alternatives for work space for
194 impacted state employees.

195 2. The effect of the proposed facility disposition on the
196 financial status of the Florida Facilities Pool, including the
197 effect on rental rates and coverage requirement for the bonds.

198

199 This paragraph expires July 1, 2010 ~~2009~~.

200 Section 10. In order to implement Specific Appropriation
201 1619, subsection (12) is added to section 373.59, Florida
202 Statutes, to read:

203 373.59 Water Management Lands Trust Fund.—

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204 (12) Notwithstanding the provisions of subsection (8) and
 205 for the 2009-2010 fiscal year only, the moneys from the Water
 206 Management Lands Trust Fund shall be allocated as follows:

207 (a) An amount necessary to pay debt service on bonds issued
 208 before February 1, 2009, by the South Florida Water Management
 209 District and the St. Johns River Water Management District,
 210 which are secured by revenues provided by this section, or to
 211 fund debt service reserve funds, rebate obligations, or other
 212 amounts payable with respect to such bonds.

213 (b) Eight million dollars to be transferred to the General
 214 Revenue Fund; and

215 (c) The remaining funds to be distributed equally between
 216 the Suwannee River Water Management District and the Northwest
 217 Florida Water Management District.

218
 219 This subsection expires July 1, 2010.

220 Section 11. In order to implement Specific Appropriation
 221 1741A of the 2009-2010 General Appropriations Act, paragraph (c)
 222 of subsection (5) of section 376.3071, Florida Statutes, is
 223 amended to read:

224 376.3071 Inland Protection Trust Fund; creation; purposes;
 225 funding.—

226 (5) SITE SELECTION AND CLEANUP CRITERIA.—

227 (c) The department shall require source removal, if
 228 warranted and cost-effective, at each site eligible for
 229 restoration funding from the Inland Protection Trust Fund.

230 1. Funding for free product recovery may be provided in
 231 advance of the order established by the priority ranking system
 232 under paragraph (a) for site cleanup activities. However, a

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233 separate prioritization for free product recovery shall be
234 established consistent with paragraph (a). No more than \$5
235 million shall be encumbered from the Inland Protection Trust
236 Fund in any fiscal year for free product recovery conducted in
237 advance of the priority order under paragraph (a) established
238 for site cleanup activities.

239 2. Funding for limited interim soil-source removals for
240 sites that will become inaccessible for future remediation due
241 to road infrastructure and right-of-way restrictions resulting
242 from a pending Department of Transportation road construction
243 project or for secondary containment upgrading of underground
244 storage tanks required under chapter 62-761, Florida
245 Administrative Code, may be provided in advance of the order
246 established by the priority ranking system under paragraph (a)
247 for site cleanup activities. The department shall provide
248 written guidance on the limited source removal information and
249 technical evaluation necessary to justify a request for a
250 limited source removal in advance of the priority order pursuant
251 to paragraph (a) established for site cleanup activities.
252 Prioritization for limited source removal projects associated
253 with a secondary containment upgrade in any fiscal year shall be
254 determined on a first-come, first-served basis according to the
255 approval date issued under s. 376.30711 for the limited source
256 removal. Funding for limited source removals associated with
257 secondary containment upgrades shall be limited to 10 sites in
258 each fiscal year for each facility owner and any related person.
259 The limited source removal for secondary containment upgrades
260 shall be completed no later than 6 months after the department
261 issues its approval of the project, and the approval

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262 automatically expires at the end of the 6 months. Funding for
263 Department of Transportation and secondary containment upgrade
264 source removals may not exceed \$50,000 for a single facility
265 unless the department makes a determination that it is cost-
266 effective and environmentally beneficial to exceed this amount,
267 but in no event shall the department authorize costs in excess
268 of \$100,000 for a single facility. Department funding for
269 limited interim soil-source removals associated with Department
270 of Transportation projects and secondary containment upgrades
271 shall be limited to supplemental soil assessment, soil
272 screening, soil removal, backfill material, treatment or
273 disposal of the contaminated soil, dewatering related to the
274 contaminated soil removal in an amount of up to 10 percent of
275 the total interim soil-source removal project costs, treatment,
276 and disposal of the contaminated groundwater and preparation of
277 the source removal report. No other costs associated with the
278 facility upgrade may be paid with department funds. No more than
279 \$1 million for Department of Transportation limited source
280 removal projects and \$10 million for secondary containment
281 upgrade limited source removal projects conducted in advance of
282 the priority order established under paragraph (a) for site
283 cleanup activities shall be encumbered from the Inland
284 Protection Trust Fund in any fiscal year. This subparagraph is
285 repealed effective June 30, 2010 ~~2009~~.

286 3. Once free product removal and other source removal
287 identified in this paragraph are completed at a site, and
288 notwithstanding the order established by the priority ranking
289 system under paragraph (a) for site cleanup activities, the
290 department may reevaluate the site to determine the degree of

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291 active cleanup needed to continue site rehabilitation. Further,
292 the department shall determine if the reevaluated site qualifies
293 for natural attenuation monitoring or no further action. If
294 additional site rehabilitation is necessary to reach no further
295 action status, the site rehabilitation shall be conducted in the
296 order established by the priority ranking system under paragraph
297 (a) and the department is encouraged to utilize natural
298 attenuation and monitoring where site conditions warrant.

299 Section 12. In order to implement Specific Appropriations
300 1690, 1691, 1692, 1694, and 1695, subsection (1) of section
301 403.1651, Florida Statutes, is amended to read:

302 403.1651 Ecosystem Management and Restoration Trust Fund.—

303 (1) There is created the Ecosystem Management and
304 Restoration Trust Fund to be administered by the Department of
305 Environmental Protection for the purposes of:

306 (a) Funding the detailed planning for and implementation of
307 programs for the management and restoration of ecosystems.

308 (b) Funding the development and implementation of surface
309 water improvement and management plans and programs under ss.
310 373.451-373.4595.

311 (c) Funding activities to restore polluted areas of the
312 state, as defined by the department, to their condition before
313 pollution occurred or to otherwise enhance pollution control
314 activities.

315 (d) Funding activities to restore or rehabilitate injured
316 or destroyed coral reefs.

317 (e) Funding activities by the department to recover moneys
318 as a result of actions against any person for a violation of
319 chapter 373.

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320 (f) Funding activities authorized for the implementation of
321 the Leah Schad Memorial Ocean Outfall Program implemented in s.
322 403.086(9).

323 (g) Funding activities to preserve and repair the state's
324 beaches as provided in ss. 161.091-161.212.

325 Section 13. The amendment to s. 403.1651(1), Florida
326 Statutes, made by this act shall expire July 1, 2010, and the
327 text of that subsection shall revert to that in existence on
328 June 30, 2009, except that any amendments to such text enacted
329 other than by this act shall be preserved and continue to
330 operate to the extent that such amendments are not dependent
331 upon the portions of such text which expire pursuant to this
332 section.

333 Section 14. In order to implement Specific Appropriations
334 1294 through 1454 of the 2009-2010 General Appropriations Act,
335 section 570.20, Florida Statutes, is amended to read:

336 570.20 General Inspection Trust Fund.—

337 (1) All donations and all inspection fees and other funds
338 authorized and received from whatever source in the enforcement
339 of the inspection laws administered by the department shall be
340 paid into the General Inspection Trust Fund of Florida, which is
341 created in the office of the Chief Financial Officer. All
342 expenses incurred in carrying out the provisions of the
343 inspection laws shall be paid from this fund as other funds are
344 paid from the State Treasury. A percentage of all revenue
345 deposited in this fund, including transfers from any subsidiary
346 accounts, shall be deposited in the General Revenue Fund
347 pursuant to chapter 215, except that funds collected for
348 marketing orders shall pay at the rate of 3 percent.

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349 (2) For the 2009-2010 ~~2008-2009~~ fiscal year only and
350 notwithstanding any other provision of law to the contrary, in
351 addition to the spending authorized in subsection (1), moneys in
352 the General Inspection Trust Fund may be appropriated for
353 programs operated by the department which are related to the
354 programs authorized by this chapter. This subsection expires
355 July 1, 2010 ~~2009~~.

356 Section 15. A section of this act that implements a
357 specific appropriation or specifically identified proviso
358 language in the 2009-2010 General Appropriations Act is void if
359 the specific appropriation or specifically identified proviso
360 language is vetoed. A section of this act that implements more
361 than one specific appropriation or more than one portion of
362 specifically identified proviso language in the 2009-2010
363 General Appropriations Act is void if all the specific
364 appropriations or portions of specifically identified proviso
365 language are vetoed.

366 Section 16. If any other act passed in 2009 contains a
367 provision that is substantively the same as a provision in this
368 act, but that removes or is otherwise not subject to the future
369 repeal applied to such provision by this act, the Legislature
370 intends that the provision in the other act shall take
371 precedence and shall continue to operate, notwithstanding the
372 future repeal provided by this act.

373 Section 17. If any provision of this act or its application
374 to any person or circumstance is held invalid, the invalidity
375 does not affect other provisions or applications of the act
376 which can be given effect without the invalid provision or
377 application, and to this end the provisions of this act are

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378 severable.

379 Section 18. Except as otherwise expressly provided in this
380 act and except for this section, which shall take effect upon
381 this act becoming a law, this act shall take effect July 1,
382 2009, or if this act fails to become a law until after that
383 date, it shall take effect upon becoming a law and shall operate
384 retroactively to July 1, 2009.